

SIMULATOR IMPLEMENTATION
PROCEDURES

Under the Agreement for the Promotion of Aviation Safety

dated September 26, 1996

Between the

Government of the United States of America

and the Government of Switzerland

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CHAPTER I — GENERAL

1.0 Purpose

(a) This document sets forth the Federal Aviation Administration (FAA) and the Federal Office for Civil Aviation (FOCA) procedures for implementing the flight simulator evaluation provisions of the Agreement for the Promotion of Aviation Safety between the Government of the United States and the Government of Switzerland signed September 26, 1996. The Agreement provides, in pertinent part, that the FAA and the FOCA will pursue mutual cooperation and technical assistance in evaluation and acceptance of each other's systems and standards for flight simulator qualification evaluations. Upon mutual satisfaction with these systems, the Agreement directs the authorities to execute these procedures for reciprocal acceptance of simulator qualification evaluations.

(b) The objective of these Implementation Procedures, in accordance with the Agreement, is to outline the terms and conditions under which the FAA and the FOCA can accept each other's evaluations of flight simulators for findings of compliance with FAA Advisory Circular (AC) 120-40 and/or Joint Aviation Requirement-Synthetic Training Devices (JAR-STD)-1A for the purpose of Simulator Qualification only, thereby reducing redundant regulatory oversight without adversely affecting the fidelity of flight simulators and aviation safety.

1.1 Authorization

The authorization for these Implementation Procedures is Article III of the Agreement for the Promotion of Aviation Safety, and in that respect, the FAA and the FOCA have assessed each other's standards and systems relating to the evaluation and qualification of flight simulators and, as a result, have established an understanding of such standards and systems.

1.2 Entry into Force and Termination

These Implementation Procedures shall enter into force on the date of last signature and shall remain in force until terminated. They may be terminated upon sixty (60) days' written notice by either the FAA or the FOCA. Termination of these Implementation Procedures will not affect the validity of activity conducted under their provisions prior to termination.

1.3 Amendments

(a) These Implementation Procedures may be amended by mutual consent of the FAA and the FOCA. They also may be supplemented by appendices. The details of any such amendment or appendix shall be recorded and signed by the representatives of the offices identified in paragraph 1.6(b), or their designees.

(b) Suggestions for improvement of these procedures are welcome and can be addressed to either of the offices described in paragraph 1.6.

(c) The FAA and the FOCA recognize that significant revision by either authority to its organization, regulations, procedures, or standards may affect the basis on which these Implementation Procedures are executed. Accordingly, each authority agrees to advise the other promptly of plans for such changes, and to give an opportunity for comment. Upon notice of such changes by one authority, the other authority may request consultation to review the need for amendment to these Implementation Procedures.

1.4 JAA Membership

(a) The FAA recognizes that the FOCA is a member of the Joint Aviation Authorities (JAA) and that membership includes FOCA obligations to other JAA members with respect to development of regulations, procedures, and standards, and that the FOCA has adopted JAA regulations, procedures, and standards, including standards for flight simulator qualification evaluations.

(b) The FOCA will carry out the obligations contained in these Implementation Procedures in accordance with JAA procedures. For example, the obligations of the FOCA to receive or provide information will be accomplished under JAA procedures.

1.5 National Requirements

(a) The JAA provides the FOCA with a uniform set of requirements known as Joint Aviation Requirements (JAR), and ancillary documents and procedures. When adopted by the FOCA, the JAR serve as the legal standards for safety regulation by the FOCA.

(b) The legal standards for safety regulation by the FAA are contained in the Federal Aviation Regulations, Title 14, Code of Federal Regulations (14 CFR), and are explained in ancillary documents and procedures.

1.6 Accountability

(a) The designated offices for the technical implementation of these Implementation Procedures are:

(1) For the FAA: Flight Standards Service
FAA (AFS-205)
1701 Columbia Avenue
College Park, GA 30337
phone: +404-305-6100
fax: +404-305-6118

(2) For the FOCA: STD Team
P.O. Box 1521
CH-8058 Zurich-Airport
+411-816-2686
+411-816-2677

(b) The designated offices for the administrative coordination of these Implementation Procedures are:

(1) For the FAA: Office of International Aviation
FAA (AIA-300)
800 Independence Avenue, S.W.
Washington, DC 20591
phone: +202-267-3213
fax: +202-267-5032

(2) For the FOCA: STD Team
P.O. Box 1521
CH-8058 Zurich-Airport
+411-816-2686
+411-816-2677

1.7 Resolution of Disagreements

Pursuant to Article IV of the Agreement for the Promotion of Aviation Safety, any disagreement regarding the interpretation or application of these Implementation Procedures shall be resolved by consultation between the FAA and the FOCA, and, if appropriate, resolution of such disagreements will be recorded as an amendment or appendix to these Implementation Procedures, in accordance with paragraph 1.3.

1.8 Definitions

For the purposes of these Implementation Procedures (and notwithstanding definitions contained in 14 CFR or the JAR), the following definitions apply:

(a) Evaluation. The measure of the simulator against the established technical criteria for that level set out in the appropriate reference document, i.e., for the FAA, AC 120-40, as amended, and for the FOCA, JAR-STD-1A, as amended. If satisfactory, the evaluation results in the issue of a Flight Simulator Qualification Level.

(b) 14 CFR. 14 CFR means the Federal Aviation Regulations, contained in Title 14, Code of Federal Regulations, part 1 through 199. They may be interpreted and implemented by following FAA policy guidance in the form of Advisory Circulars.

(c) Finding. Verification that the Flight Simulator is in compliance with the applicable requirements which will include an evaluation checklist or report compiled by the FAA or FOCA covering:

- i. All discrepancies noted;
- ii. Recommendations regarding correction of discrepancies; and

iii. Recommendations regarding authorization or limitation.

(d) Flight Simulator (Simulator). A full-size replica of a specific type or make, model and series of aircraft flight deck, including the assemblage of equipment and computer programs necessary to represent the aircraft in ground and flight operations, a visual system providing an out-of-the-flight deck view and a force cueing motion system. It is in compliance with the minimum standards for simulator qualification.

(e) Flight Simulator Operator. As used in this document, identifies that person, organization or enterprise directly responsible to the FAA/FOCA for requesting and maintaining the Qualification of a particular Flight Simulator.

(f) Flight Simulator Qualification Level. The level of authorized use based on the technical capability of the simulator as determined by an evaluation of the simulator against the established technical evaluation criteria as defined in the applicable requirements.

(g) JAA Procedures. JAA procedures means FOCA application of JAA procedures in its national systems, rules, policies, practices and procedures.

(h) JAR. JAR means Joint Aviation Requirements as adopted by the Government of Switzerland. They are interpreted and implemented by following JAA policy guidance in the form of Acceptable Means of Compliance, Interpretative and Explanatory Material, Temporary Guidance Leaflets and JAA Administrative and Guidance Material, Section Four - Operations.

(i) Special conditions. Special conditions are those additional requirements that are not prescribed in both sets of the standards shown in paragraph 2.2. If special conditions are required, they will be contained in Chapter III of these Implementation Procedures.

CHAPTER II —RECIPROCAL ACCEPTANCE OF SIMULATOR QUALIFICATION EVALUATIONS

2.0 General

The FAA and FOCA agree, subject to the terms of these Implementation Procedures, to accept each other's evaluations for findings of compliance with their respective requirements as the basis for its own qualification of a simulator.

2.1 Applicability

These Implementation Procedures are applicable to those Level B, C and D Simulators that are required to have FAA and FOCA evaluation leading to a Qualification Level because they are used by an FAA-certificated entity (U.S. air carrier or 14 CFR part 142 training center) and an FOCA-approved entity (Air Operator Certificate holder or Flying Training Organization).

2.2 Standards Used

(a) Qualification evaluations will be conducted to the standards defined in AC 120-40, as amended, or JAR-STD-1A, as amended. These standards incorporate the content of the International Civil Aviation Organization (ICAO) Document 9625-AN/938, "Manual of Criteria for the Qualification of Flight Simulators."

(b) Following the mutual agreement of the FAA and FOCA, the standards of an earlier version of AC 120-40 (AC 120-40A) may be applied to a particular simulator.

2.3 Qualification Level

The FAA or FOCA will qualify a flight simulator based on the findings provided by the evaluating authority. Such a qualification may be to a Qualification Level equal to or lower than the Qualification Level established by the evaluating authority and will be a function of the intended use of the flight simulator.

2.4 Requests for Evaluation

Requests for evaluation of simulators by either the FAA or the FOCA will be made to the office designated in paragraph 1.6(a).

2.5 Right to Make Independent Verification

The FAA and FOCA acknowledge the right of the other authority to make its own evaluation or re-evaluation of a simulator at any time.

2.6 Evaluation Report

The FAA and FOCA agree to provide the other authority at least 30 days prior to an evaluation, with the blank report form to be completed during an evaluation including any special instructions or requests.

2.7 Notification of Findings

The completed report shall be returned to the originating authority within 30 days of the evaluation and shall constitute the finding for a Flight Simulator Qualification Level. The report will identify the standards used, including the appropriate revision level. Notification shall be made to the respective authority's representative described in paragraph 1.6(a).

CHAPTER III — SPECIAL CONDITIONS

3.0 FAA Special Conditions [RESERVED]

3.1 FOCA Special Conditions [RESERVED]

CHAPTER IV — MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

4.0 Periodic Meetings

The FAA and the FOCA will meet at least once a year to discuss these Implementation Procedures, on-going projects, changes in their own organizations, any revisions to their requirements, technical assistance requests, or any other matters relating to these Implementation Procedures. The frequency of these meetings will depend on the resources available to each authority, as well as the significance of any outstanding issues.

4.1 Information

The FAA and the FOCA shall provide information and assistance regarding the evaluation and qualification of Flight Simulators to be performed under the terms of these Implementation Procedures, and shall develop appropriate publications and circulate these publications through established methods in their respective countries to:

- (a) Inform the public of the terms of these Implementation Procedures and/or any amendments or appendices.

- (b) Outline the regulatory requirements and special requirements necessary for persons to perform work under the terms of these Implementation Procedures.

4.2 Technical Assistance

The FAA and the FOCA agree to co-operate and to provide technical assistance to each other upon request to further the purposes and objectives of these Implementation Procedures. Such areas of assistance may include, but are not limited to:

- (a) Providing recommendations or endorsements relating to evaluations conducted by the FAA or the FOCA.

- (b) Performing surveillance and providing reports regarding continued compliance with the requirements described in these Implementation Procedures by Flight Simulator Operators in JAA Member States and the United States.

- (c) Conducting and reporting on investigations at the request of the other authority.

- (d) Obtaining and providing data for reports where requested.

4.3 Exchange of Information

The FAA and the FOCA shall provide each other with regulations, policies, guidance, practices, and interpretations relevant to these Implementation Procedures, and shall ensure that such documents are updated in a timely manner. In addition, any FAA or FOCA proposal to amend such documents shall be provided to the other authority for the opportunity to review prior to the

amendment being effected, consistent with their national laws and administrative procedures. Co-operation will also include a regular exchange of ideas and views on the current status and potential trend(s) in simulator technology and its application, possible exchange of technical personnel on temporary details, joint participation in research and simulator evaluations, and any other means that further the objective of this Agreement.

4.4 Establishing and Amending Regulations, Policies, and Guidelines

To the extent permitted by its national laws and administrative procedures, each authority agrees to provide technical assistance to the other in efforts to establish and amend regulations, policies, guidance, practices, and interpretations relevant to these Implementation Procedures.

4.5 Urgent or Unusual Situations

When urgent or unusual situations develop that are within the scope of the Implementation Procedures, but not specifically addressed, the FAA and the FOCA will review and consult together and take appropriate action, including developing amendments or appendices to these Implementation Procedures, if appropriate, as set forth under paragraph 1.3.

4.6 Notification of Noncompliance and Safety Issues

The FAA and the FOCA agree to notify each other of all noncompliances with any standard or special condition set forth in these Implementation Procedures and of any other significant information that might affect an authority's qualification of a simulator. The FAA and the FOCA also will notify each other promptly of any investigation into noncompliance or enforcement action that could result in suspension or penalty related to the Qualification Level of a flight simulator covered by these Implementation Procedures. The notification will be sent to the other authority's representative of the office identified in paragraph 1.6(a). The FAA and the FOCA agree that, following the identification of any noncompliance, further use of the simulator concerned for any training or checking required by either authority will not be permitted unless corrected in a timely manner or addressed by placing limitations on the use of the simulator.

4.7 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests

(a) Proprietary Data. Both authorities recognize that certain data submitted by a simulator operator may be the property of that operator or another person and release of that data by the FAA or the FOCA is restricted. The FAA and the FOCA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone outside of the FAA or the FOCA without written consent of the owner of the proprietary data.

(b) FOIA Requests. The FAA often receives requests from the public under the FOIA to release information that the FAA may have in its possession. Any information that the FAA has in its possession must be disclosed under the FOIA unless it falls within certain exceptions, including trade secrets, or financial or commercial data that would be considered confidential or privileged. When the FAA receives such a request for the release of information related to a simulator located in Switzerland and covered by these Implementation Procedures, the FAA will

advise the FOCA of any information received from the FOCA and submitted to the FAA that might be released. The FAA may also request the FOCA's assistance, in cooperation with the flight simulator operator, in determining if the person submitting the information would object to release and which portions of the information received from that person or generated by the FOCA might be withheld under the FOIA exceptions, if any.

4.8 Accident/Incident Investigation Requests

When the FAA or the FOCA needs information regarding simulators for the investigation of accidents or incidents involving aircraft for which a simulator exists, the request for information should be directed to the office identified in paragraph 1.6(a). In turn, upon receipt of the request for information, the other authority will, insofar as the information is in its possession and it is legally entitled to disclose it, provide the requested information in a timely manner.

CHAPTER V — CONTINUING VALIDITY

5.0 The FAA and the FOCA acknowledge that:

(a) Unrestricted Access. Each authority should be included in the other's inspections such as the STD Standardization Team and National Aviation Safety Inspection Program; and that each authority may need to conduct independent evaluation or re-evaluation of a simulator at any time, and to review the other authority's surveillance records and other pertinent information on simulators, consistent with the objective of these Implementation Procedures and the authority's applicable laws and regulations.

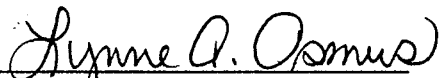
(b) Cooperation in enforcement. The maximum permissible mutual cooperation and assistance in any investigation or enforcement proceedings of any alleged or suspected violations of any regulations, standards, or special conditions identified in these Implementation Procedures is essential. The FAA and the FOCA acknowledge that Simulator Qualification Levels issued under these Implementation Procedures remain subject to the regulatory requirements and enforcement procedures of the issuing authority.

CHAPTER VI — AUTHORITY

The FAA and the FOCA agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

DONE at London, United Kingdom, this 19th day of May 1999.


FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

By: 
Lynne A. Osmus

Title: Director, Europe, Africa & Middle
East Office

Date May 19, 1999

FEDERAL OFFICE FOR CIVIL AVIATION
DEPARTMENT OF ENVIRONMENT,
TRANSPORT, ENERGY AND COMMUNICATION
SWITZERLAND

By: 
Jean-Rodolphe Willi

Title: Director, Department of Flight Services

Date 19.05.1999



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Delegation of Signature Authority for
U.S.-Switzerland Simulator Implementation
Procedures

Date: MAY 14 1999

From: Director of International Aviation, AIA-1

Reply to
Attn. of:

To: Director, Office of Europe, Africa, and Middle East,
AEU-1

Pursuant to my responsibilities under FAA Order 1100.2, "Organization - FAA Headquarters," I am authorized to sign on behalf of the Federal Aviation Administration (FAA), agreements with foreign governments, including Simulator Implementation Procedures under Agreements for the Promotion of Aviation Safety.

During the Royal Aeronautical Society aircraft simulator conference on May 19, 1999, in London, I delegate to you the authority to sign on behalf of the FAA the agency-approved Simulator Implementation Procedures under the Agreement Between the Government of the United States of America and the Government of Switzerland for Promotion of Aviation Safety.

An original, signed copy of this delegation letter must be attached to each of the original, signed copies of the Implementation Procedures.

Joan W. Bauerlein